

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF THE TTAB

AUG. 24, 99

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re The George G. Glenner Alzheimer's Family Center, Inc.

Serial No. 74/321,461

Terrace A. Meador of Baker, Maxham, Jester & Meador for The
George G. Glenner Alzheimer's Family Center, Inc.

Darlene D. Bullock, Trademark Examining Attorney, Law
Office 101 (Chris Wells, Managing Attorney).

Before Simms, Cissel and Hairston, Administrative Trademark
Judges.

Opinion by Cissel, Administrative Trademark Judge:

On October 8, 1992, applicant, The George G. Glenner
Alzheimer's Family Center, Inc., applied to register the
mark "ALZHEIMER'S FAMILY CENTER" for "videotapes regarding
the treatment and care of persons with organic brain
disorders." The application was based on a claim of use in
interstate commerce since December of 1987.

This case is before the Trademark Trial Appeal Board on appeal from the Examining Attorney's final refusal to register the mark under Section 2(e)(1) of the Act, on the ground that the mark is merely descriptive of applicant's videotapes regarding the treatment and care of people with organic brain disorders.

Both applicant and the Examining Attorney have filed briefs in connection with the appeal, but applicant did not request an oral hearing, so we have resolved this matter based on the written record and arguments before us.

A mark is merely descriptive, and hence unregistrable under Section 2(e)(1) of the Trademark Act, if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the goods specified in the application. In re Gyulay, 820 F.2d 1216, 3 USPQ 2d 1009 (Fed. Cir. 1987); In re Bright-Crest, Ltd., 204 USPQ 591 (TTAB 1979). It is not necessary that a term describe all the purposes, functions, characteristics, or features of the goods in order for it to be held merely descriptive. It is sufficient if a term describes a single attribute of the goods. In re MBAssociates, 180 USPQ 338 (TTAB 1973). The issue of descriptiveness is not decided in the abstract, but rather must be determined in relation to the specific

goods identified in the application. In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215 (CCPA 1978).

The Examining Attorney contends that the mark sought to be registered is merely descriptive of applicant's videotapes regarding the treatment and care of people with organic brain disorders because applicant, which is identified on the specimens of record as "Alzheimer's Family Center, Inc.," is a family center for people involved with the treatment and care of victims of Alzheimer's disease, and the video tapes sold under the mark deal with this subject. She takes the position that the term sought to be registered provides information concerning the subject of the tapes and the business establishment from which they emanate. The Examining Attorney argues that a prospective purchaser would not have to exercise any particular thought or imagination in order to understand this from consideration of the mark in connection with the goods.

The record includes a dictionary definition of "Alzheimer's disease." The definition establishes that Alzheimer's disease is an organic brain disorder. There is no question that the term "ALZHEIMER'S" is merely descriptive of video tapes whose subject is this disorder.

The Examining Attorney also contends that the term "FAMILY CENTER," as used in applicant's mark, has descriptive significance because the words would be perceived by the purchasers of applicant's goods as an indication of the entity that produces the tapes, in the same sense as the words "store," "shop," and "Co." would be.

The Examining Attorney made of record a dictionary definition showing that the word "center" is used in reference to "a place where a particular activity or services is concentrated: a medical center..." Also submitted were copies of excerpts from a number of articles retrieved from the Nexis database wherein "family center" is used in descriptive senses to indicate particular businesses or other entities. Included in these excerpts are references to the "Family Center for Disorders of Childhood and Adolescence," in Tempe, Arizona; to the "Claremont Baptist Church Child Development and & Family Center," in Atlanta; to the "Odyssey House Family Center," in Louisiana; to the "Richstone Family Center," a child abuse treatment program in California; and to "family centers" in reference to day-care centers in a number of locations. From this evidence, family centers appear to be organizations which are involved in various aspects of

family life, such as child care, health care, religion, recreation, drug abuse treatment and prevention, and other social services.

The Examining Attorney argues that combining the descriptive terms "ALZHEIMER'S" and "FAMILY CENTER" results in a mark which is merely descriptive of the goods specified in the application.

Applicant submits that if its mark were "ALZHEIMER'S FAMILY VIDEO TAPE CENTER," a refusal based on descriptiveness might be appropriate, but argues that the mark for which it seeks registration is a combination of components which, although they may be descriptive individually, when juxtaposed, "evoke a unique commercial impression." Applicant contends that the mark combining all three words does not immediately convey a readily understood meaning to the average purchaser of its videotapes.

Based on the record before us in this case, we hold that the term sought to be registered is merely descriptive within the meaning of Section 2(e)(1) of the Act. The record shows that applicant is a family center in San Diego, California, and that the subject matter of the videotapes on which it uses the mark is Alzheimer's disease. We agree with the Examining Attorney that the

mark immediately conveys this information, without the necessity for any imagination, speculation or conjecture. The mark indicates that the subject of the tapes is Alzheimer's disease and that the tapes emanate from a family center concerning the disease. Thus, the test for mere descriptiveness under the Lanham Act is satisfied.

Applicant concedes that the individual words which make up its mark "may be descriptive." There is no evidence in this record in support of applicant's argument that when these words are combined in the manner shown, they somehow lose their descriptive significance and "evoke a unique commercial impression" (brief, p. 2). There does not appear to be anything unusual or incongruent about this combination of readily understood descriptive words that would lead us to conclude that the combination would not itself be merely descriptive of the goods set forth in the application.

Because the record establishes that the mark sought to be registered immediately and forthwith conveys information about the nature or character of the goods with which is used, the mark is merely descriptive of them. Accordingly,

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the refusal to register under Section 2(e)(1) of the Act is affirmed.

R. L. Simms

R. F. Cissel

P. T. Hairston
Administrative Trademark Judges,
Trademark Trial and Appeal Board

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